

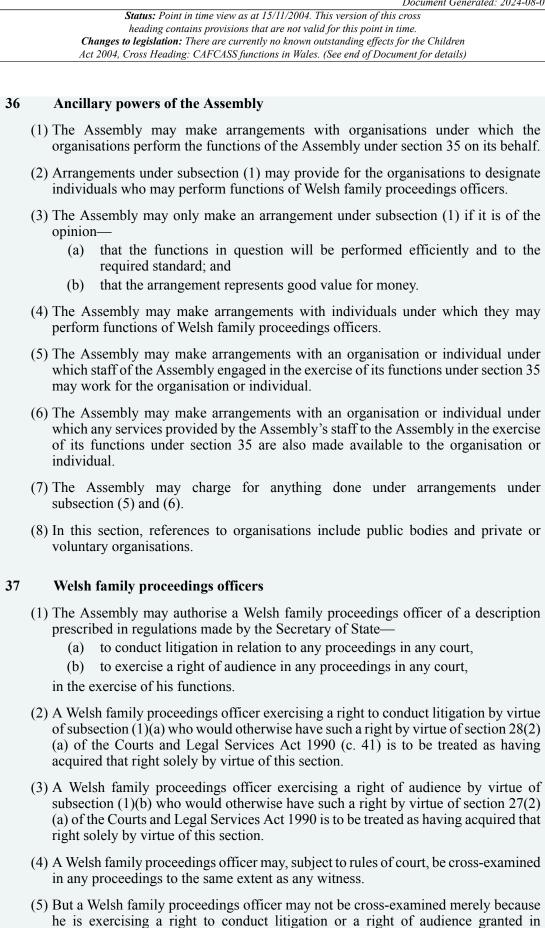
Children Act 2004

# **2004 CHAPTER 31**

## PART 4

### ADVISORY AND SUPPORT SERVICES FOR FAMILY PROCEEDINGS

	VALID FROM 01/04/2005
CAFCASS functions in Wales	
35	Functions of the Assembly relating to family proceedings
	<ul> <li>(1) In respect of family proceedings in which the welfare of children ordinarily resident in Wales is or may be in question, it is a function of the Assembly to— <ul> <li>(a) safeguard and promote the welfare of the children;</li> <li>(b) give advice to any court about any application made to it in such proceedings;</li> <li>(c) make provision for the children to be represented in such proceedings;</li> <li>(d) provide information, advice and other support for the children and their families.</li> </ul> </li> </ul>
	(2) The Assembly must also make provision for the performance of the functions conferred on Welsh family proceedings officers by virtue of any enactment (whether or not they are exercisable for the purposes of subsection (1)).
	(3) In subsection (1), "family proceedings" has the meaning given by section 12 of the Criminal Justice and Court Services Act 2000 (c. 43).
	(4) In this Part, "Welsh family proceedings officer" means-
	(a) any member of the staff of the Assembly appointed to exercise the functions of a Welsh family proceedings officer; and
	(b) any other individual exercising functions of a Welsh family proceedings officer by virtue of section 36(2) or (4).



accordance with this section.

(6) In this section, "right to conduct litigation" and "right of audience" have the same meanings as in section 119 of the Courts and Legal Services Act 1990.

#### 38 Inspections

- (1) Her Majesty's Inspectorate of Court Administration must at the request of the Assembly inspect, and report to the Assembly on—
  - (a) the discharge by the Assembly of its functions under this Part; and
  - (b) the discharge by Welsh family proceedings officers of their functions under this Part and any other enactment.
- (2) The Assembly may only make a request under subsection (1) with the consent of the Secretary of State.

#### **39 Protection of children**

- (1) The Protection of Children Act 1999 (c. 14) ("the 1999 Act") shall have effect as if the Assembly, in performing its functions under sections 35 and 36, were a child care organisation within the meaning of that Act.
- (2) Arrangements which the Assembly makes with an organisation under section 36(1) must provide that, before selecting an individual to be employed under the arrangements in a child care position, the organisation—
  - (a) must ascertain whether the individual is included in any of the lists mentioned in section 7(1) of the 1999 Act, and
  - (b) if he is included in any of those lists, must not select him for that employment.
- (3) Such arrangements must provide that, if at any time the organisation has power to refer an individual who is or has been employed in a child care position under the arrangements to the Secretary of State under section 2 of the 1999 Act (inclusion in list on reference following disciplinary actions etc), the organisation must so refer him.
- (4) In this section, "child care position" and "employment" have the same meanings as in the 1999 Act.

#### 40 Advisory and support services for family proceedings: supplementary

Schedule 3 (which makes supplementary and consequential provision relating to this Part, including provision relating to functions of Welsh family proceedings officers) has effect.

#### 41 Sharing of information

(1) The Assembly and the Children and Family Court Advisory and Support Service may provide any information to each other for the purposes of their respective functions under this Part and Part 1 of the Criminal Justice and Court Services Act 2000 (c. 43).

Status: Point in time view as at 15/11/2004. This version of this cross heading contains provisions that are not valid for this point in time. Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Cross Heading: CAFCASS functions in Wales. (See end of Document for details)

(2) A Welsh family proceedings officer and an officer of the Service (within the meaning given by section 11(3) of that Act) may provide any information to each other for the purposes of any of their respective functions.

### Status:

Point in time view as at 15/11/2004. This version of this cross heading contains provisions that are not valid for this point in time.

### Changes to legislation:

There are currently no known outstanding effects for the Children Act 2004, Cross Heading: CAFCASS functions in Wales.